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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,707	07/22/2003	Matthew Howard Haga	988.1027	3645
35236	7590	08/02/2006	EXAMINER	
THE CULBERTSON GROUP, P.C. 1114 LOST CREEK BLVD. SUITE 420 AUSTIN, TX 78746			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/624,707	HAGA, MATTHEW HOWARD
	Examiner Corbett B. Coburn	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-35 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 July 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/4/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because the drawing correction submitted on 4 July 2006 has “FAX” lines that make it unsuitable for publication. Applicant is urged to mail the corrected drawings to the office. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 23-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation “based solely on the machine readable game play information and without reading the result codes formed on the game ticket” is a negative limitation that is not supported by the specification. While the specification supports displaying the game play outcomes based on the machine-readable game play information, there is nothing in the specification that requires that the game outcome display be bases solely on the machine readable game play information. Nor is there anything in the specification to preclude reading the result code formed on the game ticket. Therefore, it appears that the Applicant did not have possession of the now-claimed invention at the time of filing.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 23-25, 28-30 & 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamille (US Patent Number 5,996,997).

Claims 23, 29, 34: Kamille teaches a device and method for validating scratch-off lottery tickets where the game ticket includes a number of game-play outcomes. Kamille receives a ticket and detects whether a game ticket inserted at the player station includes

a cover (Col 12, 6-14). Kamille teaches reading machine-readable game play information specifying the game play outcomes (i.e., verification code 901) represented by the result codes formed on the ticket. (Col 12, 30-41) The system inherently disables the player station from displaying gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is present on the game ticket – if the cover has not been removed (i.e., the ticket has not been played) it is not possible to display game results. This in spite of the fact that the potential outcomes are determined by the machine using verification code (901). The system has the programming, sensors, and the processor necessary to carry out these functions. Kamille teaches displaying the gaming results associated with the game ticket at the play station in the event that the cover has been removed from the ticket. (Col 15, 40-45) Displaying the gaming results associated with the game ticket includes displaying each game outcome of the number of game play outcomes. Kamille teaches reading the game play data in order to display the results without reading the verification code. Fig 13 shows an embodiment in which the reader checks circuit parameters to determine which spots are scratched off without reference to the game code.

Claim 24: The step of detecting whether the game ticket includes the cover inherently includes producing a cover sensor output at a cover sensor. The sensor must produce some output if the cover is removed in order to score the game.

Claims 25, 30: The cover sensor is an optical sensor. (I.e., barcode scanner.)

Claims 28, 33: The step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on a substrate of the game ticket – the device reads the revealed barcodes. See Figs 9A & B and discussion thereof.

Claim 35: Kamille teaches an electrical system (Fig 13) for reading the tickets. This device has sensors to detect various levels of resistance, conductivity, etc. (Col 14, 25-27) Thus, the cover sensor and orientation sensor output comprises a signal residing at either a first signal level or a second signal level.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26, 27, 31 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille as applied to claim 23, 24 or 29.

Claims 26, 31: Kamille teaches an optical and an electrical sensor, but does not teach a magnetic sensor. Applicant discloses the magnetic sensor as equivalent to an optical sensor. (Paragraph 0007) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to include a magnetic sensor instead of an optical sensor because they are equivalent components.

Claims 27, 32: Kamille teaches attempting to detect a feature located on a substrate of the game ticket but does not teach that the step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on the cover.

Applicant discloses these as equivalent methods. (See paragraphs 0008 & 0009.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to attempt to detect a feature located on the cover instead of attempting to detect a feature located on a substrate of the game ticket because these are equivalent methods.

Response to Arguments

8. Applicant's arguments filed 4 July 2006 have been fully considered but they are not persuasive. The arguments are drawn to the claims as amended & are addressed in the rejection above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Corbett B. Coburn
Primary Examiner
Art Unit 3714

CORBETT B. COBURN
PRIMARY EXAMINER